

To the Members of the California State Assembly:

I am returning Assembly Bill 804 without my signature.

This bill would specifically exempt from criminal and civil liability, for dreissenid mussel infestation, any water operator that has a control and eradication plan approved by the Department of Fish and Game.

During the past two years, I signed comprehensive legislation to restrict the possession and transportation of dreissenid mussels, to require water managers to assess the threat of dreissenid mussels in their waters and develop prevention plans and conduct monitoring activities, and to authorize state inspections of waters and facilities in California, which might contain dreissenid mussels. These measures were supported by water agencies and emphasized the need for local and state entities to increase and maintain their vigilance against this potentially devastating threat.

However, the effect of this bill would be to relieve water operators from having to continue to act responsibly once they initially have an approved response plan in place, thereby shifting liability to the state for any ensuing damage resulting from the spread of dreissenid mussels. The presence of an approved plan does not ensure that subsequent actions taken by that water agency will be consistent with that plan, nor should these entities be immunized from liability for their subsequent actions.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger